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**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 4166

**STEPHANIE NICOLE CARDONI**  
**24164 Falconer Drive**  
**Murrieta, CA 92562**  
**Pharmacy Technician Registration No. TCH**  
**91993**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

**FINDINGS OF FACT**

1. On or about November 11, 2011, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4166 against Stephanie Nicole Cardoni (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about May 4, 2010, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 91993 to Respondent. The Pharmacy Technician Registration expired on July 31, 2011, and has not been renewed, however, under Business and Professions Code section 118(b), the Board's jurisdiction to discipline Respondent is continuing.

3. On or about November 17, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 4166, and related documents at Respondent's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board, which was and is: 24164 Falconer Drive, Murrieta, CA 92562.

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1           4.     Service of the Accusation was effective as a matter of law under the provisions of  
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
3 124.

4           5     On or about December 29, 2011, the aforementioned documents were returned by the  
5 U.S. Postal Service marked "Moved. Left no Address." The address on the documents was the  
6 same as the address on file with the Board. Respondent failed to maintain an updated address  
7 with the Board and the Board has made attempts to serve the Respondent at the address on file.  
8 Respondent has not made herself available for service and therefore, has not availed herself of her  
9 right to file a notice of defense and appear at hearing.

10          6.     Government Code section 11506 states, in pertinent part:

11               (c) The respondent shall be entitled to a hearing on the merits if the respondent  
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
13 of the accusation not expressly admitted. Failure to file a notice of defense shall  
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
15 may nevertheless grant a hearing.

16          7.     Respondent failed to file a Notice of Defense within 15 days after service upon her of  
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4166.

18          8.     California Government Code section 11520 states, in pertinent part:

19               (a) If the respondent either fails to file a notice of defense or to appear at the  
20 hearing, the agency may take action based upon the respondent's express admissions  
21 or upon other evidence and affidavits may be used as evidence without any notice to  
22 respondent.

23          9.     Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
27 file at the Board's offices regarding the allegations contained in Accusation No. 4166, finds that  
28 the charges and allegations in Accusation No. 4166, are separately and severally, found to be true  
and correct by clear and convincing evidence.

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10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$735.00 as of February 1, 2012.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Stephanie Nicole Cardoni has subjected her Pharmacy Technician Registration No. TCH 91993 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

a. Respondent has subjected her license to discipline under sections 490 and 4301, subdivision (l) of the Code in that she was convicted of crimes that are substantially related to the qualifications, duties, and functions of a pharmacy technician in that she sustained a conviction for driving under the influence of alcohol, and driving with a blood alcohol content exceeding .08 percent on December 23, 2010.

b. Respondent has subjected her license to discipline under sections 490 and 4301, subdivision (l) of the Code in that she was convicted of crimes that are substantially related to the qualifications, duties, and functions of a pharmacy technician in that she sustained a second conviction for driving with a blood alcohol level exceeding .08 percent on June 16, 2011.

c. Respondent is subject to disciplinary action under section 4301, subdivision (k) of the Code in that on or about December 23, 2010, and June 16, 2011, Respondent has sustained two or more alcohol-related criminal convictions.

d. Respondent is subject to disciplinary action under section 4301, subdivision (h) of the Code in that on or about October 23, 2010, and March 13, 2011, Respondent used alcoholic beverages in a manner that was dangerous to herself and the public, when she operated a motor vehicle while impaired.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 91993, heretofore issued to Respondent Stephanie Nicole Cardoni, is revoked.

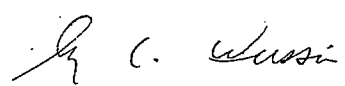
Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This decision shall become effective on June 11, 2012.

It is so ORDERED on May 10, 2012.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
STANLEY C. WEISSER

Board President

80596470.DOC  
DOJ Matter ID:SD2011801021

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation No. 4166

2013 FEB 10 AM 8:25

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*Attorneys for Complainant*

9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 4166

13 **STEPHANIE NICOLE CARDONI**  
24164 Falconer Drive  
14 Murrieta, CA 92562

**A C C U S A T I O N**

15 **Pharmacy Technician Registration**  
16 **No. TCH 91993**

Respondent.

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18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
22 2. On or about May 4, 2010, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 91993 to Stephanie Nicole Cardoni, also known as Stephanie Nicole  
24 White (Respondent). The Pharmacy Technician Registration expired on July 31, 2011, and has  
25 not been renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4300, subdivision (a) of the Code states "Every license issued may be suspended or revoked."

5. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

## STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

1 As used in this section, "license" includes "certificate," "permit," "authority,"  
2 and "registration."

3 9. Section 4301 of the Code states:

4 The board shall take action against any holder of a license who is guilty of  
5 unprofessional conduct or whose license has been procured by fraud or  
6 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is  
7 not limited to, any of the following:

8 (h) The administering to oneself, of any controlled substance, or the use of any  
9 dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
10 dangerous or injurious to oneself, to a person holding a license under this chapter, or  
11 to any other person or to the public, or to the extent that the use impairs the ability of  
12 the person to conduct with safety to the public the practice authorized by the license.

13 (k) The conviction of more than one misdemeanor or any felony involving the  
14 use, consumption, or self-administration of any dangerous drug or alcoholic beverage,  
15 or any combination of those substances.

16 (l) The conviction of a crime substantially related to the qualifications,  
17 functions, and duties of a licensee under this chapter. The record of conviction of a  
18 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
19 States Code regulating controlled substances or of a violation of the statutes of this  
20 state regulating controlled substances or dangerous drugs shall be conclusive  
21 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
22 be conclusive evidence only of the fact that the conviction occurred. The board may  
23 inquire into the circumstances surrounding the commission of the crime, in order to  
24 fix the degree of discipline or, in the case of a conviction not involving controlled  
25 substances or dangerous drugs, to determine if the conviction is of an offense  
26 substantially related to the qualifications, functions, and duties of a licensee under this  
27 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
28 contendere is deemed to be a conviction within the meaning of this provision. The  
board may take action when the time for appeal has elapsed, or the judgment of  
conviction has been affirmed on appeal or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under  
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
dismissing the accusation, information, or indictment.



1 **REGULATORY PROVISIONS**

2 10. California Code of Regulations, title 16, section 1669 states:

3 . . . .

4 (b) When considering the suspension or revocation of a facility or a personal  
5 license on the ground that the licensee or the registrant has been convicted of a crime,  
6 the board, in evaluating the rehabilitation of such person and his present eligibility for  
7 a license will consider the following criteria:

8 (1) Nature and severity of the act(s) or offense(s).

9 (2) Total criminal record.

10 (3) The time that has elapsed since commission of the act(s) or offense(s).

11 (4) Whether the licensee has complied with all terms of parole, probation,  
12 restitution or any other sanctions lawfully imposed against the licensee.

13 (5) Evidence, if any, of rehabilitation submitted by the licensee.

14 11. California Code of Regulations, title 16, section 1770 states:

15 For the purpose of denial, suspension, or revocation of a personal or facility  
16 license pursuant to Division 1.5 (commencing with Section 475) of the Business and  
17 Professions Code, a crime or act shall be considered substantially related to the  
18 qualifications, functions or duties of a licensee or registrant if to a substantial degree  
19 it evidences present or potential unfitness of a licensee or registrant to perform the  
20 functions authorized by his license or registration in a manner consistent with the  
21 public health, safety, or welfare.

22 **COST RECOVERY**

23 12. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
24 administrative law judge to direct a licensee found to have committed a violation or violations of  
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
26 enforcement of the case.

27 **FIRST CAUSE FOR DISCIPLINE**

28 **(December 23, 2010 Criminal Conviction for DUI on October 23, 2010)**

13. Respondent has subjected her license to discipline under sections 490 and 4301,  
subdivision (l) of the Code in that she was convicted of crimes that are substantially related to the  
qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

a. On or about December 23, 2010, in a criminal proceeding entitled *People of the  
State of California v. Stephanie Nicole Cardoni*, in Riverside County Superior Court, case

1 number SWM10007905, Respondent was convicted on her plea of guilty to violating Vehicle  
2 Code section 23152, subdivision (a), driving under the influence of alcohol; and Vehicle Code  
3 section 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of .08 or  
4 higher, misdemeanors.

5           b. As a result of the convictions, on or about December 23, 2010, Respondent was  
6 sentenced to 36 months summary probation and ordered to serve 10 days in the custody of the  
7 Riverside County Sheriff (in the Electronic Monitoring Program), with credit for two days.  
8 Respondent was ordered to enroll in and complete a Drinking Driver program, pay fines, fees,  
9 and restitution in the amount of \$2,604.45, and comply with the terms of probation.  
10 Respondent's probation was revoked on March 22, 2011, for failure to enroll in the Electronic  
11 Monitoring Program, and a bench warrant was issued for Respondent's arrest. At a hearing on  
12 April 27, 2011, Respondent's probation was reinstated and she was ordered to re-enroll in the  
13 Electronic Monitoring Program and re-enroll in a Second Offender DUI Program (ordered in case  
14 number SWM1102452, below). On May 25, 2011, Respondent's probation was revoked for  
15 violating Term 1 (obey all laws).

16           c. The facts that led to the convictions were that in or about the early morning  
17 hours of October 23, 2010, California Highway Patrol (CHP) officers observed a vehicle, driven  
18 by Respondent, commit a series of traffic violations in the city of Temecula before entering  
19 Interstate 15. The CHP officers followed Respondent onto the freeway and signaled for  
20 Respondent to pull over. Upon making contact with Respondent at the driver's window, the  
21 officer could immediately detect a strong odor of an alcoholic beverage emitting from the interior  
22 of the vehicle. Respondent was directed to exit her vehicle move to a level area where the officer  
23 could conduct his investigation. Respondent told the officer she did not want to do any field  
24 sobriety tests. She asked for a blood test and stated she was trying to go home. The officer noted  
25 that Respondent had red, watery, bloodshot eyes, slurred speech, and the strong odor of an  
26 alcoholic beverage on her breath and person. Respondent refused to perform field sobriety tests.  
27 Based on Respondent's objective symptoms of intoxication, Respondent was arrested for driving  
28 under the influence of alcohol.

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1 Respondent provided one complete breath sample on the preliminary alcohol screening test which  
2 measured with a BAC of .12 percent. Respondent resisted while being placed under arrest and  
3 she received a contusion to her right eye.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct – Multiple Misdemeanor Convictions Involving Alcohol)**

6 15. Respondent is subject to disciplinary action under section 4301, subdivision (k) of the  
7 Code in that on or about December 23, 2010, and June 16, 2011, Respondent was convicted of  
8 driving under the influence of alcohol in violation of Vehicle Code section 23152, as detailed in  
9 paragraphs 13-14, above.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct – Dangerous Use of Alcohol)**

12 16. Respondent is subject to disciplinary action under section 4301, subdivision (h) of the  
13 Code in that on or about October 23, 2010, and March 13, 2011, Respondent used alcoholic  
14 beverages in a manner that was dangerous to herself and the public, when she operated a motor  
15 vehicle while impaired, as detailed in paragraphs 13-14, above.

16 **DISCIPLINARY CONSIDERATIONS**

17 17. To determine the degree of discipline, if any, to be imposed on Respondent,  
18 Complainant alleges that on or about March 23, 2007, in San Joaquin County Superior Court,  
19 case number LM036626A, Respondent was convicted on her plea of guilty to violating Vehicle  
20 Code section 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of .08 or  
21 higher.

22 18. To determine the degree of discipline, if any, to be imposed on Respondent,  
23 Complainant alleges that on or about July 25, 2008, in San Joaquin County Superior Court, case  
24 number STO48968A, Respondent was convicted on her plea of guilty to violating Vehicle Code  
25 section 20002, subdivision (a), hit and run with property damage; and Vehicle Code section  
26 14601.2, driving with a license that had been suspended for a prior DUI conviction.

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PRAYER

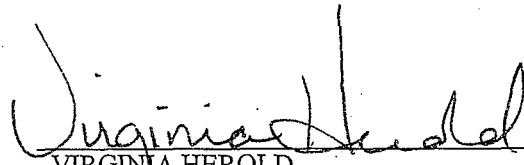
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician Registration Number TCH 91993, issued to Stephanie Nicole Cardoni;

2. Ordering Stephanie Nicole Cardoni to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 11/9/11



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

SD2011801021